

MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON TUESDAY FEBRUARY 21, 1995 8:00 P.M. VILLAGE HALL, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Dennis P. Flood, Mayor
Sheila M. Attai, Trustee
Garrard R. Beeney, Trustee
James McNiff, Trustee
Stephen A. McCabe, Administrator
Lawrence S. Schopfer, Clerk-Treasurer
Kevin J. Plunkett, Village Attorney
Richard A. Denike, Police Chief
Eugene Hughey, Building Inspector

The meeting was called to order by Mayor Flood who led the attendance in the pledge of allegiance to the flag of the United States of America.

Trustee Attai made a motion to adopt the minutes of the regular meetings of the Village Board held on February 6, 1995. The motion was seconded by Trustee McNiff and unanimously approved.

Mayor Flood opened the floor to public comment on matters not contained on the agenda. There were no comments from those in attendance.

Mayor Flood read the following communication: Barbara Denyer regarding the water department's quick response to a water main break in the Dows Lane School area. Karen Stone regarding the maintenance of sidewalks surrounding Village Hall during a recent snow storm. A copy of each communication is attached hereto as a part of these minutes.

Mayor Flood opened a public hearing with respect to a local law amending the Village law regarding amending the Village Sprinkler Code to provide that the Zoning Board of Appeals, rather than the Village Board, be designated as the appeal body for waiver requests from the sprinkler code requirements. He briefly described the changes proposed and opened the floor to public comment.

There being no comments from the floor, nor any further comments from the Board members, Mayor Flood requested a motion to close the public hearing. Trustee Attai made such a motion, Trustee Beeney seconded the motion and the public hearing was closed.

Trustee Attai made a motion to adopt the local law as presented. Trustee Beeney seconded the motion and it was unanimously approved. A copy of the local law as adopted is attached hereto as a part of these minutes.

Mayor Flood opened a public hearing with respect to a local law amending the Village law regarding Amusement Devices providing that the Board of Trustees may authorize an increased number of such devices on such conditions as deemed necessary. Mayor Flood provided some background on this proposed local law. He noted that as a result of several meetings between School District officials and an outside psychologist, it was suggested that there are not enough activities for teenagers to take part in. He also noted that because many residents may be away on vacation during this particular week, no decision on this local law would be made tonight and the public hearing would be adjourned until the next regular meeting of the Village Board (March 6, 1995). He noted that the police department and the recreation commission have reviewed this proposed local law and have expressed their support, though not without certain reservations. Mayor Flood then deferred to the Trustees for their comments.

Trustee Beeney stated that although an arcade-like location would provide children with a place to go, he did not feel that encouraging children to take part in this type of activity was constructive. He also had two other specific reservations about this proposal. First, he noted that these games are often extremely violent and the Village is certainly not allowed to police the content of the games. Second, although much of the discussion will center around one particular application to the Board for an amusement devices permit (Leo Penzine), how do you limit other applications?

Trustee McNiff noted that what is most important to him, as a parent, is to know where his children are. He suggested that if he knew that his children were at a controlled environment such as an arcade, that would be acceptable. However, he expressed some concerns about the aforementioned environment. He concluded by stating that he is open to a trial period and make changes, if necessary, at the end of the trial period.

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Trustee Attai noted that the location of her children is important and playing video games was an acceptable activity. However, she noted that the location was a tough location and that could result in a disaster. She had received several calls from parents expressing similar views.

Barbara Denyer stated that these video games are violent and noisy and Broadway is a dangerous corner. Kathy Fischer urged the Board not to change the current law. She stated that a change would augment the problem by having teenagers hang out when they otherwise would not have. She suggested that the Recreation department should purchase machines. In addition, she questioned how the Board would determine to whom permits would be granted in the future.

Leo Penzine stated that residents came to him suggesting the idea of placing a few more machines at his establishment and remaining open later on Friday and Saturday nights. He indicated that it would be a controlled "hang out" for the teenagers to be with their friends. Allan Stevenson suggested that the Village would lose control of the situation if the current law were changed. He stated that this was not for Irvington and that the Board should give the issue some more thought.

Adele Warnock noted that she was a member of the Board back in 1981 when the original law was adopted. She stated that a large amount of time was spent considering the matter and she would feel bad if it were changed.

Brenda Livingston noted that the issue of 3 machines or 6 machines was not the issue. The issue is providing a liquor-free, pleasant environment for teenagers to congregate. It is a rare combination to have a place that teenagers *want* to go to that is supervised.

A resident named Marion stated the Irvington should not change the current local law. She expressed concern about safety at this location and that this should not be a part of Irvington. Jean McIntosh stated that she did not feel that there should be an increase in the number of amusement devices at any establishment. Barbara Denyer claimed that this was all a good reason for keeping the Burnham Building, to provide teenagers with a place to go.

Stanley Leyden stated that there is an underlying problem with the issue of teenager's recreation. He noted that it is normal human development to have teenagers wanting to be away from parents' control. He also speculated that because this would be a controlled environment, teenagers may not want to go there anyway.

Bill McHugh questioned where the money is coming from. A resident named Rosemarie questioned whether high school students would be allowed in such establishments. Mr. Penzine stated that the target is Middle School aged children but the establishment would be opened to all. Rosemarie responded that this would create a hang out both inside and outside the establishment.

Mrs. Penzine stated that everyone should be concerned about kids hiding in the woods and drinking, which is what is done currently. Everyone should not be concerned about protecting the image of Irvington. The issue is giving the kids a place to go. She noted that people are implying "let the kids hang out in the woods" by cutting off every other avenue of recreation. She concluded by stating, "Forget about the image."

Ellen Prober stated that she is concerned about the image. She indicated that an arcade will fester bad problems whether it is supervised or not. She urged the Board not to consider a trial period.

Mrs. Penzine stated that there may be 6 machines at their location and that it would still remain a luncheonette, not an arcade. Trustee Beeney agreed, however, he stated that the Village cannot simply give Leo's a permit and cut off all others. Leo Penzine suggested only issuing permits to those places that don't sell liquor. He stated that they want children at their location, not adults.

Brenda Livingston again questioned whether this is about the number of machines or supervision. She noted that restrictions could be placed regardless of the number of machines. Ellen Appelle said that Irvington does not need an arcade.

Richard Livingston suggested that we should put some weight into the Police and Recreation recommendations on this matter because they see the problems day to day. He also stated that Dobbs Ferry has an arcade and Mayor Marra has heard no complaints about that establishment.

Andrew Caracciolo noted that there are problems with excessive loitering on Main Street currently. He pointed out that there are many kids and adults that hang out in front of This N That, for example. Susan Warnock agreed with Mr. Caracciolo by stating that it is distressing to see public drinking taking place near children. Mayor Flood stated that the Police did have some concerns about this situation. Chief Denike stated that eliminating public drinking is difficult to enforce.

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Adele Warnock stated that nothing should be held against Leo Penzine and she thanked him for his efforts and concerns for Irvington's children. A round of applause ensued. Mayor Flood commented that Mr. Penzine must not have had a thin skin to face all these residents.

The Board unanimously agreed to adjourn the public hearing until the next regularly scheduled Board meeting (March 6, 1995).

Mayor Flood outlined the proposed written Equal Employment Opportunity and Anti-Discrimination Policy. He noted that such policy has been in effect all along but has not been formally considered for adoption by the Board. A motion was made by Trustee Beeney and seconded by Trustee Attai and unanimously approved. A copy of the adopted policy is attached hereto as a part of these minutes.

Trustee Attai discussed the water department activities. He noted that there had been several water main breaks to which the water department and department of public works had responded, including the one referenced by Mrs. Denyer in her correspondence to the Board. She reported that the Town Hall Theater Commission has been considering hiring a parking attendant for its events.

Trustee McNiff reported on department of public works activities including repairs made during water main breaks.

Trustee Beeney reported on the activities of the 24 citizens that comprise the Irvington 2000 Committee. He noted that there would be a meeting on March 7, 1995 with Larry Dwyer of the Westchester 2000 Committee. He also noted that, after analyzing legal fees over the past 5 years, legal fees paid in the last 2 years totaled \$60,000 while fees paid in the 3 years prior to that totaled \$200,000.

Village Administrator Steve McCabe cited the recent article describing the proposed Trolley bus to be running between the historic river towns, in which Irvington is included. He noted that these initiatives had begun with the Association of Historic River Towns in order to attract tourists to the area.

Mr. McCabe also announced a public hearing with respect to the proposed relocation of an Irvington business, Cortex Corporation, to an Economic Development Zone in Yonkers. The hearing will be held, as required by State Law, to ensure that Yonkers is not or has not engaged in the practice of targeting Irvington businesses for relocation.

Mayor Flood noted that with the declaration of the leaf blower law in Scarsdale as illegal, the issue is probably dead in Irvington as well.

Trustee McNiff made a motion to approve the February bills for payment subject to review by the Board. Trustee Attai seconded the motion and it was unanimously approved.

Trustee McNiff made a motion for the Board to adjourn to executive session to take up litigation and personnel matters. The motion was seconded by Trustee Attai and unanimously approved.

There being no further business to conduct, the meeting was adjourned.

Lawrence S. Schopfer, Clerk-Treasurer

Attachments